

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
ARISEBANK, JARED RICE SR., and STANLEY FORD,	§	Civil Action No.: 3:18-cv-186-M
	§	
	§	
Defendants.	§	
	§	

**UNOPPOSED¹ MOTION TO ENTER PRELIMINARY INJUNCTION AND VACATE
HEARING DATE**

Plaintiff SEC, joined by Defendants Jared Rice and AriseBank, moves the Court to enter a preliminary injunction and vacate the March 13, 2018 hearing on the SEC's Motion for Preliminary Injunction, and would show the Court as follows:

1. On January 25, 2018, the Court issued an *ex parte* order imposing a temporary restraining order ("TRO") against the Defendants. In keeping with FRCP 65(b)(3), the Court also scheduled a preliminary-injunction hearing for February 8, 2018. Dkt. 11.
2. Pursuant to FRCP 65(b)(2) and the agreement of the parties, the Court Extended the TRO through March 13, 2018 and set a hearing for that same day. Dkt. 27, 47.

¹ As noted in the SEC's initial filing, Defendant Stanley Ford resides in Dubai. He has not appeared in this action. The SEC has only been able to get in contact with Ford by email. And those communications have been sporadic, since Ford has chosen to selectively respond to the SEC's emails. He has not answered any of the SEC's calls and failed to dial in for a scheduled call in mid-February. He has also refused to provide a physical address so that the SEC can arrange for personal service of the Summons and Complaint—which the SEC has sent to him by email. SEC counsel most recently emailed Ford on March 6, 2018 and asked him to please get in touch ASAP to let the SEC know: whether he plans to attend the March 13 hearing or otherwise oppose the SEC's Motion for Preliminary Injunction; whether he plans to appear in the case at all; whether he has retained counsel; and whether he is going to work with the SEC to arrange for formal service of the Summons and Complaint. Ford has not responded.

3. The SEC, Rice, and AriseBank—all of the parties that have appeared in the case—have now agreed to a preliminary injunction, as reflected in the proposed order filed with this motion. Consequently, the parties ask the Court to enter the preliminary injunction and cancel the March 13 hearing.²

Dated: March 8, 2018

Respectfully submitted,

s/ Chris Davis
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² As noted above, Ford has not appeared. Nor has he filed any papers opposing the SEC's Motion for Preliminary Injunction. Those papers were due on March 6, 2017. Dkt. 47. Consequently, it is appropriate for the Court to cancel the hearing and enter the preliminary injunction on the basis of the evidence filed as part of the SEC's motion. *See e.g., FSLIC v. Dixon*, 835 F.2d 554, 558-59 (5th Cir. 1987) (holding: 1. that trial courts have "wide discretion in granting preliminary injunctions," and 2. affirming the trial court's grant of the preliminary injunction without a full evidentiary hearing based on affidavits, documents, and sworn statements); *see also E. E. Maxwell Co. v. Arti Decor, Ltd.*, 638 F. Supp. 749, 751 n.3 (N.D. Tex. 1986) (Fitzwater, J.) (citing *Miller Brewing Co. v. Fort Worth Distributing Co., Inc.*, 781 F.2d 494, 496 (5th Cir.1986)).

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I electronically filed the foregoing *Unopposed Motion to Enter Preliminary Injunction and Vacate Hearing Date* with the Clerk of the Court for the Northern District of Texas, Dallas Division, by using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

I further certify that on March 8, 2018, I served a true and correct copy of the foregoing document via electronic mail and USPS first class mail on the following parties and persons entitled to notice that are non-CM/ECF participants:

Stanley Ford
thestormkrow@gmail.com
Pro Se Defendant

s/ Chris Davis
CHRIS DAVIS